

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PETITION OF	)	
AT&T COMMUNICATIONS OF DELAWARE,	)	
INC., FOR THE ARBITRATION OF	)	
UNRESOLVED ISSUES FROM THE	)	PSC DOCKET NO. 96-331
INTERCONNECTION NEGOTIATIONS WITH	)	
BELL ATLANTIC-DELAWARE, INC., N/K/A	)	
VERIZON DELAWARE INC.	)	
(FILED DECEMBER 23, 1996)	)	

**ORDER NO. 6449**

**A. BACKGROUND**

1. On December 23, 1996, AT&T Communications of Delaware, Inc. ("AT&T"),<sup>1</sup> filed for arbitration of unresolved issues from the interconnection negotiations with Bell Atlantic-Delaware, Inc., n/k/a Verizon Delaware Inc. ("Verizon"). Several of the terms included in the agreement were resolved by an arbitration award entered by the appointed arbitrator on April 10, 1997. On September 30, 1997, the interconnection agreement was filed with the Commission. This interconnection agreement was approved by the Commission on October 21, 1997 in PSC Order No. 4629 and on January 27, 1998 in Findings and Opinion For Order No. 4629 and Order No. 4709. Those Orders also required the parties to submit for approval any later changes to the approved agreement.

2. On April 14, 2004, Verizon filed a letter including Amendment No. 2 to the Interconnection Agreement between Verizon and AT&T. The Amendment, dated February 26, 2004, details provisions for Verizon to provide AT&T the terms and conditions that will govern the availability

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<sup>1</sup>AT&T Communications of Delaware, Inc. holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange telecommunications services within this State. See PSC Order No. 4367 (Dec. 10, 1996).

of "Line Splitting" arrangements, access to IDSL, SDSL and Digital Designed ULLs to provide DSL services, the incorporation of the rates and terms presented in Exhibit "A" and Appendix 1 of Exhibit "A", and the agreement that the rates and provision of these services and elements may be terminated by written notice due to action by authoritative bodies.

3. Pursuant to Guideline 30 of the Commission's "Guidelines for Negotiations, Mediation, Arbitration, and Approval of Agreements Between Local Exchange Telecommunications Carriers" (as revised effective May 10, 2001), notice of the filing of the Amendment was posted on the Commission's website.

4. Only Staff filed comments in response to the notice. Staff reported that there was no reason to reject the proffered Amendment. The Commission considered the Amendment at its meeting of July 6, 2004.

#### **C. FINDINGS AND OPINION**

5. The Commission has the authority and jurisdiction to review the Amendment to the interconnection agreement under 47 U.S.C. § 252(e)(1) and 26 Del. C. § 703(4).

6. The Commission determines that there is no reason to reject the Amendment under the review criteria set forth in 47 U.S.C. § 252(e)(2)(A). The Commission has not received any information to suggest that the terms of this Amendment discriminate against other carriers or that implementation of the Amendment would be inconsistent with the public interest.

7. The approval granted here is given under the terms of 47 U.S.C. § 252(e)(2)(A). Specifically, the Commission does not make any finding whether the terms and prices set forth in the Amendment meet the

substantive requirements of 47 U.S.C. § 251 or the pricing standard under 47 U.S.C. § 252(d). In addition, the Commission does not make any determination whether the Amendment, standing alone, or the agreement as now amended, meets any of the "checklist" criteria set forth in 47 U.S.C. § 271(c).

**D. ORDERING PARAGRAPHS**

Now, therefore, this 6th day of July, 2004, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 2, submitted by Verizon Delaware Inc., and AT&T Communications of Delaware, Inc., on April 14, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, the terms and conditions set forth in PSC Orders Nos. 4629 (Oct. 21, 1997) and 4709 (Jan. 27, 1998) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware Inc., and AT&T Communications of Delaware, Inc., shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 2. The revised agreement may substitute the new provisions or attach the amendment to the previously approved interconnection agreement. The revised agreement shall be available for public inspection and copying pursuant to the provisions of 47 U.S.C. § 252(h).

4. That, pursuant to the provisions of 47 U.S.C. § 252(i), Verizon Delaware Inc., shall make available any interconnection, service, or network element provided under the above agreement to any other

requesting telecommunications carrier upon the same terms and conditions as provided in the agreement.

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

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Vice Chair

/s/ Donald J. Puglisi  
Commissioner

/s/ Joann T. Conaway  
Commissioner

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Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary